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WILSON JEFFERSON MERO ARCENTALES (3)

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
(HONORABLE PERCY ANDERSON)

UNITED STATES OF AMERICA,
Plaintiff,
vs.
WILSON JEFFERSON MERO
ARCENTALES (3),
Defendant.

CASE NO. CR-19-00088-PA-3

DEFENDANT WILSON JEFFERSON
MERO ARCENTALES'S POSITION RE:
SENTENCING

Date: September 9, 2019
Time: 8:30 a.m.

NOW COMES Defendant WILSON JEFFERSON MERO ARCENTALES, by and through his attorney of record, Mark A. Chambers, and submits the following Position re: Sentencing.

I

PLEA

On June 17, 2019, defendant WILSON JEFFERSON MERO ARCENTALES entered a plea of guilty to a single-count Second Superseding Information charging him with conspiracy to possess with intent to distribute cocaine, in violation of 21 U.S.C. §§ 846 and 841(b)(1)(A). There is a plea agreement in this case.

11

1 II

2 CURRENT CUSTODY STATUS &
3 DEFENSE SENTENCING POSITION4 Mr. Mero Arcentales was arrested on February 2, 2019, and has since been in
5 continuous federal custody. It is the position of the defense that Mr. Mero Arcentales
6 should be sentenced to a custodial term of 24 months.

7 III

8 ANALYSIS OF 18 U.S.C. § 3553(a) FACTORS9 The defense respectfully requests that the Court consider the following,
10 pursuant to 18 U.S.C. § 3553(a), in regards to the nature and circumstances of the
11 offense and the history and characteristics of the defendant.12 *Personal & Family Background*13 Mr. Mero Arcentales is 19-years old. He is the oldest of five children and the
14 father of a one-year old infant. At the time of the instant offense, he was 18-years old
15 and living in Ecuador with his parents, his three younger siblings, his infant son, and
16 his son's mother in a small three-bedroom home provided by the Ecuadorean
17 government. He and his father, who is a co-defendant in this case, drew meager
18 incomes as fishermen and the family was in danger of being evicted due to unpaid
19 utilities. (See Doc. 68, PIR, p. 9, para. 48.) His involvement in the offense was due to
20 the family's need for money, which they desperately needed to stay in their own
21 home. Aside from the instant offense, he has no prior criminal history.22 *Education & Employment History*23 Mr. Mero Arcentales has been working as a fisherman since the age of 12,
24 when he dropped out of school to help support his family. At times, he would assist
25 his mother, who would wash clothes for nominal sums. His average monthly income
26 is \$150. Upon his release from custody, he plans to obtain a fishing license in
27 Ecuador that would allow him to earn additional money.

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2 IV
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6 CRIMINAL HISTORY
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8 Mr. Mero Arcentales has zero criminal history points, yielding a criminal
9 history category of I.
10

11 V
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13
14 GUIDELINE CALCULATIONS AND ADJUSTMENTS
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16 (1) Applicable Guideline/Base Offense Level.
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18 The base offense level pursuant to U.S.S.G. §§2D1.1(c)(1) and (a)(5) is 34.
19

20 (2) Minor Role.
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22 The parties stipulate that Mr. Mero Arcentales should receive a 2-level
23 reduction as a minor participant under U.S.S.G. §3B1.2(b).
24

25 (3) Safety Valve.
26

27 The defense submits that Mr. Mero Arcentales meets the criteria set forth
28 in the safety valve provision, set forth in U.S.S.G. §5C1.2, and that a two-
level reduction therefore applies under U.S.S.G. §2D1.1(b)(17).
29

30 (4) Acceptance of Responsibility.
31

32 The defense submits that Mr. Mero Arcentales should receive a three-
33 level reduction for acceptance of responsibility, pursuant to U.S.S.G.
34 §3E1.1.
35

36 (5) 18 U.S.C. § 3553(a) Factors/Downward Variance.
37

38 The defense submits that a term of 24 months in custody is sufficient,
39 but not greater than necessary, to fulfill the sentencing objectives set forth
40 in 18 U.S.C. § 3553(a). Mr. Mero Arcentales is 19 years old. At the time of
41 the offense, he was 18. He has no prior criminal history and up until his
42 involvement in the instant offense he has shown the utmost respect for the
43 law. His involvement in the instant offense was due not to greed but to
44

economic necessity as he and his family were in danger of being evicted from their home.

Given his lack of criminal history and low risk of recidivism, a custodial term of 24 months more than adequately reflects the seriousness of the offense, promotes respect for the law, provides just punishment, deters criminal conduct, and protects the public.

BASE OFFENSE LEVEL [U.S.S.G. §§2D1.1(c)(1), (a)(5)] 34

Minor Role -2

Safety Valve -2

Acceptance of Responsibility -3

TOTAL ADJUSTED OFFENSE LEVEL 27

3553(a) Factors/Downward Variance 17

The defense respectfully requests that this Court find Mr. Mero Arcentales's base offense level to be 34, with a 2-level reduction for minor role, a 2-level reduction under the safety valve provision, and a three-level reduction for acceptance of responsibility, for a total adjusted offense level of 27, Criminal History Category I. Further, the defense respectfully requests the Court grant a downward variance to offense level 17, for a total custodial term of 24 months.

Respectfully submitted,

Dated: August 12, 2019

/s/ Mark A. Chambers
MARK A. CHAMBERS
Attorney for Defendant
WILSON JEFFERSON MERO
ARCENTALES (3)